

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

UGOCHUKWU GOODLUCK NWAUZOR,
FERNANDO AGUIRRE-URBINA,
individually and on behalf of all those
similarly situated,

Plaintiffs/Counter-Defendants,

v.

THE GEO GROUP, INC.,

Defendant/Counter-Claimant.

Case No. 3:17-cv-05769-RJB

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

Case No. 3:17-cv-05806-RJB

**DEFENDANT THE GEO GROUP, INC'S
DAMAGES JURY INSTRUCTIONS**

ORAL ARGUMENT REQUESTED

Pursuant to Local Civil Rule 51, Defendant The GEO Group, Inc. ("GEO")
respectfully submits the following Damages Jury Instructions.

DEFENDANT THE GEO GROUP, INC.'S DAMAGES
JURY INSTRUCTIONS
(3:17-CV-05769-RJB); (3:17-CV-05806-RJB)

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AKERMAN LLP

1900 Sixteenth Street, Suite 950
Denver, Colorado 80202
Telephone: 303-260-7712

DAMAGES INSTRUCTION

It is the duty of the Court to instruct you about the measure of damages.

You must determine the private plaintiff's total damages. The total damages would be payment of the Washington minimum wage for all work by the detainees who participated in the Voluntary Work Program since September 26, 2014. The private plaintiffs have the burden of proving damages by a preponderance of the evidence. In calculating the damages, you should consider that the State of Washington minimum wage during the applicable period was:

In 2014, the State minimum wage was \$9.32 per hour.

In 2015, the State minimum wage was \$9.47 per hour.

In 2016, the State minimum wage was \$9.47 per hour.

In 2017, the State minimum wage was \$11.00 per hour.

In 2018, the State minimum wage was \$11.50 per hour.

In 2019, the State minimum wage was \$12.00 per hour.

In 2020, the State minimum wage was \$13.50 per hour.

In 2021, the State minimum wage is \$13.69 per hour.

It is for you to determine what damages have been proved.

In calculating the damages, you should deduct the \$1.00 per day that was paid to the detainees who participated in the voluntary work program.

In determining the amount of damages, you may not include or add to the damages any sum for the purpose of punishing GEO.

Your award must be based upon evidence and not upon speculation, guesswork or conjecture.

Authority: 9th Circuit Model Civil Jury Instruction 7.1.

AFFIRMATIVE DEFENSE AND COUNTERCLAIM – OFFSET

GEO has asserted an affirmative defense and counterclaim of offset. Offset is a deduction from the total damages that would otherwise be awarded to the detainees who participated in the voluntary work program. GEO claims that each detainee who elected to participate in the voluntary work program received compensation in the form of food, shelter, utilities, clothing, bedding, recreation and entertainment. GEO argues that the detainees benefit from such items, and the value of those items should be deducted from any damages awarded to the private plaintiffs.

GEO must prove, by a preponderance of the evidence,

(1) That the GEO conferred a benefit upon detainees through its provision of food, shelter, utilities, clothing, bedding, recreation and entertainment at the Northwest ICE Processing Center;

(2) That detainees obtained and appreciated that benefit at GEO's expense; and

(3) That the circumstances would make it unjust or inequitable for detainees to retain the benefit, in addition to minimum wage payments, without paying for the value of the benefits received.

Authority: *Young v. Young*, 164 Wash. 2d 477, 484, 191 P.3d 1258, 1262 (2008); *Bailie Commc'ns, Ltd. v. Trend Bus. Sys., Inc.*, 61 Wash.App. 151, 160, 810 P.2d 12 (1991).

DEFENDANT'S PROPOSED VERDICT FORM NO.

Offset and Unjust Enrichment Verdict Form

We, the jury, answer the questions submitted by the court as follows:

QUESTION 1: What amount should be offset from the detainees wages to account for the sums paid by GEO for their food, shelter, utilities, clothing, bedding, recreation and entertainment between September 26, 2014, and October 27, 2021?

ANSWER: \$ _____

Sign this verdict form and notify the bailiff.

DATE: _____

Presiding Juror

Respectfully submitted this 27th day of October, 2021.

AKERMAN LLP

By: s/ Adrienne Scheffey
Adrienne Scheffey (Admitted *pro hac vice*)
1900 Sixteenth Street, Suite 950
Denver, Colorado 80202
Telephone: (303) 260-7712
Facsimile: (303) 260-7714
Email: adrienne.scheffey@akerman.com

By: s/ Jacqueline M. Arango
Jacqueline M. Arango (*Pro Hac Vice* Pending)
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131
Telephone: (305) 374-5600
Facsimile: (305) 374-5095
Email: jacqueline.arango@akerman.com

FOX ROTHSCHILD LLP

By: s/ Al Roundtree
Al Roundtree, #54851
1001 Fourth Avenue, Suite 4500
Seattle, Washington 98154
Telephone: (206) 624-3600
Facsimile: (206) 389-1708
Email: aroundtree@foxrothschild.com

THE GEO GROUP, INC.

By: s/ Wayne H. Calabrese
Wayne H. Calabrese (Admitted *Pro Hac Vice*)
Joseph Negron Jr. (Admitted *Pro Hac Vice*)
4955 Technology Way
Boca Raton, Florida 33431
Telephone: (561) 999-7344
Telephone: (561) 999-7535
Email: wcalabrese@geogroup.com
Email: jnegron@geogroup.com

Attorneys for Defendant The GEO Group, Inc.

PROOF OF SERVICE

I hereby certify on the 27th day of October, 2021, pursuant to Federal Rule of Civil Procedure 5(b), I electronically filed and served the foregoing **DEFENDANT THE GEO GROUP, INC.'S SUPPLEMENTAL JURY INSTRUCTIONS** via the Court's CM/ECF system on the following:

OFFICE OF THE ATTORNEY GENERAL

Marsha J. Chien
Andrea Brenneke
Lane Polozola
Patricio A. Marquez
800 Fifth Avenue, Suite 2000
Seattle, Washington 98104

Attorneys for Plaintiff State of Washington

SCHROETER GOLDMARK & BENDER

Adam J. Berger, WSBA #20714
Lindsay L. Halm, WSBA #37141
Jamal N. Whitehead, WSBA #39818
Rebecca J. Roe, WSBA #7560
401 Union Street, Suite 3400
Seattle, Washington 98101
Telephone: (206) 622-8000
Facsimile: (206) 682-2305
Email: hberger@sgb-law.com
Email: halm@sgb-law.com
Email: whitehead@sgb-law.com
Email: roe@sgb-law.com

THE LAW OFFICE OF R. ANDREW FREE

Andrew Free (Admitted *Pro Hac Vice*)
P.O. Box 90568
Nashville, Tennessee 37209
Telephone: (844) 321-3221
Facsimile: (615) 829-8959
Email: andrew@immigrantcivilrights.com

OPEN SKY LAW PLLC

Devin T. Theriot-Orr, WSBA #33995
20415 72nd Avenue S, Suite 100
Kent, Washington 98032
Telephone: (206) 962-5052
Facsimile: (206) 681-9663
Email: devin@openskylaw.com

AKERMAN LLP

1900 Sixteenth Street, Suite 950
Denver, Colorado 80202
Telephone: 303-260-7712

MENTER IMMIGRATION LAW, PLLC

Meena Menter, WSBA #31870
8201 164th Avenue NE, Suite 200
Redmond, Washington 98052
Telephone: (206) 419-7332
Email: meena@meenamenter.com

Attorneys for Plaintiffs Ugochukwu Nwauzor, et al.

s/ Al Roundtree
Al Roundtree